

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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MISTY FANKELL,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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No. 14-1160V

Special Master Moran

Filed: November 30, 2015

Attorneys' fees and costs; award  
in the amount to which respondent  
does not object.

Amber D. Wilson, Maglio, Christopher & Toale, PA, Washington, DC, for  
Petitioner;

Lisa A. Watts, United States Dep't of Justice, Washington, DC, for Respondent.

### **UNPUBLISHED DECISION ON FEES AND COSTS<sup>1</sup>**

On November 23, 2015, petitioner filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter. Previously, petitioner informally submitted a draft application for attorneys' fees and costs to respondent for review. Upon review of petitioner's application, respondent raised objections to certain items. Based on subsequent discussions, petitioner amended her application to request \$17,980.53, an amount to which respondent does not object. The Court awards this amount.

On December 1, 2014, Misty Fankell filed a petition for compensation alleging that the influenza ("flu") vaccine, which she received on October 15, 2013, caused her to develop Bell's palsy. Petitioner received compensation based upon the parties' stipulation. Decision, issued Oct. 1, 2015. Because petitioner received compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this ruling on its website. Pursuant to Vaccine Rule 18(b), the party has 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Petitioner seeks a total of **\$17,980.53** in attorneys' fees and costs. In compliance with General Order No. 9, petitioner has not incurred any costs in pursuit of the claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

**A lump sum of \$17,980.53 in the form of a check made payable to petitioner and petitioner's attorney, Amber D. Wilson, Esq., of Maglio, Christopher & Toale, PA, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).**

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.

Any questions may be directed to my law clerk, Dan Hoffman, at (202) 357-6360.

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master